UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:23-cv-00341-KDB

PETER D. HUFF,)
	Plaintiff,))
vs.		ORDER
FNU HICKS,)
	Defendant.)))

THIS MATTER is before the Court on Plaintiff's Interrogatories to Defendant Hicks. [Doc. 25].

Pro se Plaintiff Deeshun Dade ("Plaintiff") is a prisoner of the State of North Carolina currently incarcerated at Mountain View Correctional Institution in Spruce Pine, North Carolina. On November 17, 2023, he filed this action pursuant to 42 U.S.C. § 1983. [Doc. 1]. Plaintiff's Amended Complaint survived initial review in accordance with the Court's Order. [Docs. 10-12]. Recently, the Court extended Defendant's deadline to Answer Plaintiff's Complaint to July 29, 2024. [5/21/2024 Text Order].

Plaintiff has now filed Interrogatories directed to Defendant Hicks. [Doc. 25]. This filing is improper, and the Court will strike it from the record in this matter. As Plaintiff was expressly advised in the Order of Instructions, discovery requests are not filed with the Court. [Standing Order at ¶ 7]. They should only be served on the opposing party. Moreover, a pro se plaintiff cannot serve documents on an opposing party by filing them with the Court. Also, the discovery period does not begin until <u>after</u> the Court has entered its Pretrial Order and Case Management Plan, which will not occur until Defendant Hicks answers Plaintiff's Complaint.

Plaintiff is cautioned to review the Order of Instructions, the Local Rules of this Court, and the Federal Rules of Civil Procedure before filing documents with this Court. Any future improper filings may be summarily dismissed and/or stricken from the record.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Interrogatories to Defendant Hicks [Doc. 25] is **STRICKEN** from the record in this matter.

IT IS SO ORDERED.

Signed: May 24, 2024

Kenneth D. Bell

United States District Judge